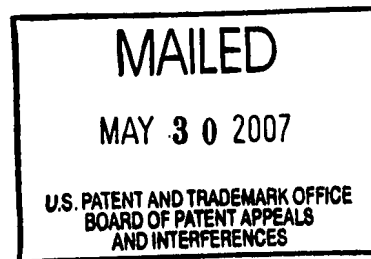


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC A. JOHNSON
AND DAVID V. CALETKA

Application 10/692,921



ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 1, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

On May 1, 2006, an Examiner Answer was mailed. In the section entitled Evidence Relied Upon (pg. 2) the Examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Towle U.S. 6,834,133 B1, Oono U.S. 2005/0105860 A1 and Yoshizawa U.S. 2002/0084522 A1 were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer. Before further

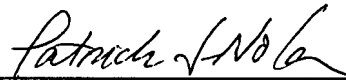
review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 citing all references relied on in the rejection of the claims on appeal; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
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